SUPREME COURT
SECOND DIVISION

MARCELINO S. SUAREZ and ARNOLD C. NEBRES,
***Petitioners*,**

-versus-

G.R. No. 124723
July 31, 1998

NATIONAL LABOR RELATIONS COMMISSION and MANILA ELECTRIC COMPANY,
***Respondents*.**
x----------x

D E C I S I O N

MARTINEZ, *J.*:

The crux of this controversy is whether a labor dispute can be resolved solely on the basis of position papers submitted by the parties without the benefit of trial.

This petition for certiorari filed under Rule 65 of the Rules of Court assails the two (2) Resolutions issued by the National Labor Relations Commission (NLRC) in NLRC NCR Case No. 00-11-07235-93, entitled "Marcelino S. Suarez and Arnold C. Nebres vs. Manila Electric Company." The first challenged Resolution,[1] dated June 15, 1995, affirmed en toto the decision of Labor Arbiter Dominador M.

Cruz who declared the dismissal of herein petitioners as valid and justified. The second impugned Resolution,[2] dated November 7, 1995, denied the motion for reconsideration of the same.

Petitioners were employed as draftsmen of respondent Manila Electric Company (MERALCO). Petitioner Nebres started working with MERALCO on February 27, 1984; while petitioner Suarez began on August 6, 1984. Prior to their dismissal on September 4, 1991, Nebres and Suarez were receiving a monthly salary of P8,216.00 and P7,825.00, respectively.

The facts of this case, as found by the Labor Arbiter and adopted by the NLRC, are as follows:

> "That on March 20, 1991 in the morning while (Nebres and Suarez) were working in their respective areas of work, they were suddenly and forcibly brought by the guards of respondent company to John F. Cotton (Hospital) against their will for drug attest (sic); that their table drawers, bodies and pants were searched by the guards for 'marijuana'; that a drug test was likewise conducted by the Philippine National Police Laboratory but the person who had given the test was not authorized; that they requested a 'drug test' of their urine at the laboratory of Camp Crame and they were accompanied by union officers but the results of the test appeared to be negative for marijuana; that the charge filed by Meralco against them for violation of RA 6425 was recommended for dismissal by the Provincial Prosecution Office of Pasig, Metro Manila.
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> "Respondent Meralco in its position paper and rejoinder presented counter statement of facts as follows: sometime on March 20, 1991 at about 10:25 a.m., the Security Services Department personnel of the respondent company received an information from an anonymous caller that Nebres and Suarez assigned at Line Design Division (6th Floor, Lopez Building) were seen 'smoking something', which the anonymous caller mentioned as 'shabu'; to verify the information, a team of security services personnel were (sic) dispatched, headed by Jose Daso, Ruben Valderon, Gemma Trinidad and German Sarmiento; upon entering the Line Design Division Office at

around 10:45 where the complainants were assigned, they found the two to be abnormal in physical appearance and behavior. The security personnel then invited complainants with the consent of the latter's supervisors to proceed to respondent's John F. Cotton Hospital (JFCH); the invitation of the complainants were in pursuance to or compliance with the Company's policy on drug abuse that employees suspected to be under the influence of drugs shall be referred to JFCH for clinical evaluation and diagnosis, and evaluatory testing; the complainants accompanied by their immediate supervisors and the security personnel were referred to Dra. Lourdes L. Ignacio (Chairperson of the Drug Abuse Committee of the company) and the latter informed the former about the need to conduct a urinalysis; and the complainants freely and voluntarily signed the 'Consent for Hospital Care'; the complainant willingly gave their urine samples and, after the drug essay test was conducted, both were found positive for cannabinoids or 'marijuana'. In line with the drug policy of the company, the complainants were referred to the Philippine National Police Crime Laboratory Service (PNPCLS) Campo (sic) Crame, Quezon City, for further medical laboratory examinations. They were accompanied by Meralco Employees Union Association (MEWA) officers. They were seen and treated by P/Capt. Emmanuel Aranas, a Medico-Legal Officer who required complainants to submit urine sample, which they did, for laboratory examination, the result of which the complainants were found positive of marijuana; Gemma Trinidad, Jose Daso, Ruben Calderon, gave sworn statements attesting to the events that transpired. Based on the foregoing factual considerations, the complainants were formally sent a notice of investigations with administrative charge of violating the provisions of the Company Code on Employees Discipline and the Drug Abuse Policy of the Company. Report was rendered relative to the administrative charges against complainant and thereafter, they were sent notices of dismissal."[3]

After the parties submitted their position papers and other documents, the Labor Arbiter rendered his decision dated December 21, 1994, the dispositive portion of which reads:

> "In view of the foregoing considerations, judgment is hereby rendered, finding complainants' dismissal to be VALID AND JUSTIFIABLE, and consequently, DISMISSING the instant case for lack of merit.
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> SO ORDERED."[4]

Aggrieved by the adverse judgment of the Labor Arbiter, the complainants appealed to the respondent NLRC.

On June 15, 1995, herein respondent NLRC affirmed en toto the Labor Arbiter's decision and dismissed their appeal for lack of merit. Petitioners' motion for reconsideration was also denied in a resolution dated November 7, 1995.

Hence, this petition.

Petitioners impute grave abuse of discretion on the part of the respondent NLRC in affirming the decision of the Labor Arbiter sustaining the dismissal of the petitioners and which decided a highly contentious case based merely on position papers. In support of this contention, they argue that the Labor Arbiter failed to test the veracity of the testimonies and evidence of the opposing parties in the crucible of trial; that no evidence or traces thereof were ever adduced by respondent MERALCO indicating that they have used and/or smoked marijuana and that no one came forward to positively show or pinpoint that they committed the same; that the only pieces of evidence being used against them were the biased and self-serving laboratory results of Meralco's own hospital and the laboratory test made by an unauthorized official whose findings may have been influenced by the private respondent.

Collaterally, they also claim that this incident has something to do with their being active union members. Petitioner Suarez is an Assistant Chief Steward at the central office and petitioner Nebres is very much involved in many union activities and had plans to run in the next union election.[5] Moreover, they complain of having been denied their right to privacy, liberty and to be secure in their papers and effects when the private respondent's guards effected a search on their tables, drawers, bodies and pants.

This petition must fail.

These allegations essentially involve a re-evaluation of facts. Time and again, we have ruled that factual matters are not proper subjects for certiorari.[6] To warrant a review of the facts by this Court, the administrative body which heard the case must be shown to have resolved the same in a capricious, whimsical and arbitrary manner or have acted in excess of its jurisdiction.

Petitioners' contention that the respondent NLRC abused its discretion when it allowed this case to be decided based on position papers and without the benefit of a trial, is untenable. This Court has held in Manila Doctors Hospital vs. NLRC, et al.[7] that the Labor Code allows the Labor Arbiter and the NLRC to decide the case on the basis of the position papers and other documents submitted by the parties without resorting to the technical rules of evidence observed in the regular courts of justice. Specifically, Article 221 of the Labor Code provides:

> ART. 221. Technical rules not binding and prior resort to amicable settlement. — In any proceeding before the Commission or any of the Labor Arbiters, the rules of evidence prevailing in courts of law or equity shall not be controlling and it is the spirit and intention of this Code that the Commission and its members and the Labor Arbiters shall use every and all reasonable means to ascertain the facts in each case speedily and objectively and without regard to technicalities of law or procedure, all in the interest of due process. In any proceeding before the Commission or any Labor Arbiter, the parties may be represented by legal counsel but it shall be the duty of the Chairman, any Commissioner or any Labor Arbiter to exercise complete control of the proceedings at all stages. (Emphasis Supplied)

Furthermore, a perusal of the record shows that the petitioners are estopped from disowning the effects of their acts when they agreed to submit the case for resolution on December 6, 1994[8] after the filing of their pleadings. Indubitably, since the NLRC and the Labor Arbiter are not strictly bound to follow procedural niceties obtaining in the

courts of law, the losing party cannot, after the rendition of an adverse decision, question the soundness of such decision absent a showing of grave abuse of discretion.

As to the question that the Labor Arbiter should have tried the case in a "crucible of trial," Section 4, Rule V of The New Rules of Procedure of the NLRC, mandates:

> "Section 4. Determination of Necessity of Hearing. — Immediately after the submission by the parties of their position papers/memorandum, the Labor Arbiter shall motu propio determine whether there is need for a formal trial or hearing. At this stage, he may, at his discretion and for the purpose of making such determination, ask clarificatory questions to further elicit facts or information, including but not limited to the subpoena of relevant documentary evidence, if any from any party or witness. (Emphasis Supplied)

It is clear from the above-quoted rule of procedure of the NLRC that Labor Arbiters have authority to determine whether or not there is a necessity for conducting formal hearings in cases brought before them for adjudication.[9] Thus, the holding of a trial is discretionary on the Labor Arbiter and cannot be demanded as a matter of right by the parties.[10]

Be that as it may, petitioners' assertions that (1) no evidence or traces thereof were adduced that they have used marijuana; (2) no one positively came forward to pinpoint that they committed the same; and (3) the laboratory results were biased, have already been settled by the Labor Arbiter and respondent NLRC. As correctly ruled by the Labor Arbiter:

> "Going over the pieces of evidence or Annexes submitted, there were two "Consent for Hospital Case" dated March 20, 1991 (Annexes "2" and "3") duly signed by the complainants respectively, which could be interpreted to mean that they had voluntarily submitted themselves for hospital care at respondent hospital. This Office finds credible the declaration/statements of respondent witnesses who declared that there was never any use of force employed when

complainants were invited to respondent's hospital for purposes of testing their urine. The "Policy on Drug Abuse" (Annex "1") of the respondent clearly defines/delinates (sic) the responsibilities of the same. It was on the basis on (sic) this policy that complainants were invited to respondent's hospital for testing of their urines as they were suspected of using drug (sic). (Emphasis Supplied)

As to the result of the laboratory test submitted by complainants (Annex "A") purportedly to prove that they were negative of any opium derivates methamphetamines cocaine, let it be noted that the aforesaid laboratory test was conducted on March 22, 1991 (underscoring supplied). The complainants themselves admitted that their urine samples were taken at respondent's hospital on March 20, 1991 and they likewise averred that there was subsequent testing of their urine at Philippine National Police Crime Laboratory on the same day. The result of the laboratory test (Annexes "4" and "5") conducted on March 20, 1991 by respondent hospital indicated that the complainants were positive for marijuana.

Similarly, the result of the laboratory test (Annexes "6" and "7") conducted on even day by the PNP Crime Laboratory revealed that the complainants were positive for marijuana. As between the test conducted on the very same day when complainants were suspected using prohibited drugs and which was confirmed by the positive result and the test conducted two days later, this Office finds the former test to be more reliable. It could be noticed that the result of the laboratory test (Annex "A") submitted by the complainant's (sic) purportedly revealed that they were negative of opium derivates methamphetamines, and cocaine, and that there was no mention of complainants of having been positive for marijuana. More important to consider, however, the explanation by no less than P/Capt. Emmanuel L. Aranas who conducted the laboratory test of the urine samples of the complainants on March 20, 1991. As explained in his affidavit (Annex "18") "the test embraced in this report (referring to Annex "1" submitted by complainants) did not include marijuana anymore because the test on their urine specimens on March 20, 1991 discloses Nebres and

> Suarez to be positive for said drug, thus, the qualitative examination on the specimens subject to report No. DT-028-91 (Annex "1") yielded negative result to the test "for opium derivates, barbituarates, (sic) bensodiasephines, dextromenthorphan, chlophenria-mine maleate, methamphetamines, and cocaine."[11]

Respondent NLRC is in complete agreement with these findings. In fact, it did "not anymore discuss the observations/discussions made by the Labor Arbiter in his decision as we find the same to be in order and were properly based on documents submitted."[12]

The well-settled rule[13] is that the findings of facts of the administrative bodies are practically conclusive on this Court. Factual findings of the quasi-judicial agencies like the NLRC, which have acquired expertise because their jurisdiction is confined to specific matters, are generally accorded not only respect but even finality. They are binding upon the Court unless there is a showing of grave abuse of discretion, or where it is clearly shown that they were arrived at arbitrarily or in disregard of the evidence on record.[14] Thus, in the absence of any showing that the administrative body had overlooked certain substantial facts which would alter the conclusion of a valid and justified dismissal of the herein petitioners, we do not find any reason to overturn the public respondent's conclusion in the case at bar.

We are likewise not swayed with petitioners' claim that they are union members and that they have been denied their right to privacy, liberty and to be secure in their papers and effects when respondent MERALCO's guards effected their search. These averments are not for this Court to resolve, for we are not a trier of facts. It would be offensive to the basic rules of fair play and justice to allow petitioners to raise questions which have not been passed upon by the labor arbiter and the public respondent NLRC. Questions not raised in the lower courts cannot be raised for the first time on appeal. Hence, petitioners may not invoke any other ground, other than those it specified at the labor arbiter level, to impugn the validity of the subject resolutions.[15]

Thus, the conclusion of the Labor Arbiter and the respondent NLRC that petitioners were legally dismissed is not arbitrary and this Court finds no cogent reason to reverse the same.

WHEREFORE, there being no reversible error committed by respondent National Labor Relations Commission, the petition is hereby **DISMISSED** for lack of merit.

SO ORDERED.

Regalado, Melo, Puno and Mendoza, *JJ.*, concur.

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[1] Penned by Commissioner Joaquin Tanodra and concurred in by Presiding Commissioner Lourdes Javier and Commissioner Ireneo Bernardo; Petition, Annex "A;" Rollo, pp. 18-23.
[2] Rollo, pp. 25-76.
[3] Rollo, pp. 19-20.
[4] Rollo, p. 18.
[5] Memorandum of Petitioners, p. 11; Rollo, p. 105.
[6] San Miguel Foods Inc. Cebu B-Meg Feed Plant vs. Laguesma, 263 SCRA 68.
[7] 135 SCRA 262; also in Cagampan vs. NLRC, 195 SCRA 533 and Domasig vs. NLRC, 261 SCRA 779.
[8] Rollo, p. 53.
[9] Coca-Cola Salesforce Union vs. NLRC, 243 SCRA 680.
[10] Salonga vs. NLRC, 254 SCRA 111.
[11] Memorandum of respondent MERALCO, pp. 5-6, Rollo, pp. 83-84.
[12] Annex "A" of Petition, p. 4; Rollo p. 21. (Emphasis Supplied)
[13] Catatista vs. NLRC, 247 SCRA 46; Mina vs. NLRC, 246 SCRA 229 Vallende vs. NLRC, 245 SCRA 662; Maya Farms Employees Organization vs. NLRC, 239 SCRA 508, Sunset View Condominium Corporation vs. NLRC, 228 SCRA 466.
[14] Sebuguero vs. NLRC, 248 SCRA 532.
[15] Lopez Realty Inc. vs. Fontecha, 247 SCRA 183.
